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Attorneys for Defendants and Counterclaimants
 BRAD MAIDEN, by and through CORA JEAN
 MAIDEN and/or PATRICIA CICHOWICZ, his
 Guardian Ad Litem, and LINK BUSINESS
 AND PERSONNEL SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

THE BURLINGTON INSURANCE
 COMPANY, a North Carolina corporation,

Plaintiff,

vs.

BRAD MAIDEN, by and through CORA
 JEAN MAIDEN and/or ROB DUNCAN his
 Guardian Ad Litem; JASMINE VILEY; and
 LINK BUSINESS AND PERSONNEL
 SERVICES, LLC, a California limited liability
 company,

Defendants.

Case No.: CV12-02257 SBA

~~PROPOSED~~
 ORDER APPROVING UNOPPOSED
 PETITION FOR INCOMPETENT'S
 COMPROMISE OF CLAIM

BRAD MAIDEN, by and through CORA
JEAN MAIDEN and/or ROB DUNCAN, his
Guardian Ad Litem; and LINK BUSINESS
AND PERSONNEL SERVICES, LLC, a
California limited liability company,

Counterclaimants,

vs.

THE BURLINGTON INSURANCE
COMPANY, a North Carolina corporation,

Counterdefendant.

AND RELATED COUNTERCLAIM.

Simultaneous with the filing of a document entitled “STIPULATION RE COURT APPROVAL OF INCOMPETENT’S COMPROMISE OF CLAIM,” and pursuant thereto, BRAD MAIDEN (MAIDEN), an incompetent person, by and through his Guardian Ad Litem, PATRICIA CICHOWICZ (Petitioner) has filed his “UNOPPOSED PETITION FOR INCOMPETENT’S COMPROMISE OF CLAIM” (Petition), and supporting evidence, seeking approval of the proposed confidential settlement of his portion of this declaratory relief action with Plaintiff and Counterdefendant, the THE BURLINGTON INSURANCE COMPANY, a North Carolina corporation (“BURLINGTON”). These documents, which have been duly submitted to the Court, have been read and considered.

Upon the evidence submitted, the Court finds that the facts set forth in the Petition are true, and that it is in the best interests of BRAD MAIDEN, an incompetent person, that said claims be compromised and settled for the amount therein and hereinafter stated.

Therefore, IT IS HEREBY ORDERED:

1. That said compromise be and is hereby approved; and that upon payment by BURLINGTON to MAIDEN of the sum of \$417,000.00 (which already has been delivered), the total settlement sum herein approved to resolve all issues between MAIDEN and BURLINGTON in this declaratory relief action in the manner herein provided, BURLINGTON shall be fully and forever released and

1 discharged of and from all claims, charges, and demands of MAIDEN arising
 2 from the incident mentioned in said Petition, and MAIDEN's injuries sustained
 3 therein;

4 2. BURLINGTON shall disburse the proceeds of the settlement hereby approved in
 5 the following manner:

- 6 a. Gross payment to MAIDEN: \$417,000.00, by draft payable to "BRAD
 7 MAIDEN, an incompetent person, by and through his Guardian Ad Litem,
 8 PATRICIA CICHOWICZ, and Gillin, Jacobson, Ellis, Larsen & Lucey,
 9 his attorneys" (GJELL). This payment already has been delivered;
- 10 b. GJELL shall deposit said sum in its Trust Account, and thereafter
 11 distribute said funds in the following manner.
- 12 c. GJELL shall be entitled to reimbursement for its litigation costs expended
 13 of \$10,070.59;
- 14 d. GJELL shall be entitled to gross attorney's fees of \$101,732.35: said sum
 15 is 25% of the proposed settlement, as computed after deducting litigation
 16 costs of \$10,070.59. Prior to distribution of said attorneys' fees from its
 17 Trust Account, GJELL shall from that sum pay, and bear sole
 18 responsibility to pay, attorney's fees totaling \$20,937.50 and litigation
 19 costs of \$578.24 to co-counsel Lombardi, Loper & Conant, LLP; and
- 20 e. The balance of the settlement proceeds (\$305,197.06), the net sum
 21 remaining after payment of all obligations to counsel for costs and fees,
 22 shall be distributed by check payable to "Pat McVey-Ritsick, Trustee of
 23 the Brad Maiden Special Needs Trust."

24 3. Upon receipt of the full amount of the settlement sum herein approved, Petitioner is
 25 hereby authorized and directed to: (1) execute and deliver to Burlington a full,
 26 complete, and final release of, and discharge from, any and all claims and damages
 27 of MAIDEN (and his assignor, LINK BUSINESS AND PERSONNEL SERVICES,
 28 LLC, a California limited liability company), by reason of the declaratory relief

1 action described in the Petition; and (2) to file an appropriate form of request
2 for dismissal of this action by MAIDEN and LINK.

- 3 4. The settlement agreement entered between the parties to this action contains a
4 confidentiality provision. The filing of this Unopposed Petition for Incompetent's
5 Compromise of Claim does not alter the confidential nature of the settlement, as
6 reflected in the settlement agreement.

7 IT IS SO ORDERED.

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9 Dated: MAY 13, 2013.

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13 JUDGE OF THE UNITED STATES DISTRICT COURT
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